

HELLERSTEIN & COMPANY

January 11, 2022

VIA ECF

The Honorable Ona T. Wang
United States Magistrate Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Re: In re Application of Vale S.A. et al., No. 20-mc-199-JGK-OTW

Dear Judge Wang:

In furtherance of your Honor's January 6th order allowing Vale to take a Rule 30(b)(6) deposition of Perfectus by January 21st, we request the Court's guidance with the following:

As noted in previous correspondence with your Honor and with Vale counsel, Perfectus presently has only one director and officer - Gregg Blackstock. Mr. Blackstock became a director and officer of Perfectus in 2015, along with with Kenneth L. Henderson, Partner at the law firm of Bryan Cave Leighton Paisner LLP. Indeed, Bryan Cave acted as custodian of all documents during all relevant time periods until Mr. Henderson resigned from Perfectus in October 2018. When the subpoena was issued in 2020, all Perfectus documents were still in the custody of Bryan Cave. The documents were then turned over to the law firm of Proskauer Rose LLP, then counsel to Perfectus, for production, in compliance with the subpoena. Since the subpoena calls for documents dated during the period that Bryan Cave served as custodian of documents, that firm is most knowledgeable regarding the document production and in the best position to answer relevant questions.

Mr. Blackstock has limited knowledge regarding the document production and specifically regarding the matters noted in Vale's request. At no time did Mr. Blackstock serve as custodian of Perfectus documents. In addition, Mr. Blackstock is presently residing overseas and cannot travel to New York for a deposition. We, therefore, submit that a subpoena be issued to Bryan Cave to provide information regarding the matters outlined by Vale in its request for a deposition of Perfectus.

Sincerely,



Joseph Z. Hellerstein